

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

BOMBARDIER RECREATIONAL
PRODUCTS INC. and BRP U.S. INC.,

Civil No. 12-2706 (JRT/LIB)

Plaintiffs/Counter Defendants,

v.

ARCTIC CAT INC. and
ARCTIC CAT SALES INC.,

**ORDER GRANTING
PLAINTIFFS' MOTION TO
STAY TAXATION OF COSTS**

Defendants/Counter Claimants.

Plaintiffs Bombardier Recreational Products Inc. and BRP U.S. Inc. (collectively “BRP”) move the Court to stay any efforts by Arctic Cat Inc. and Arctic Cat Sales Inc. (collectively “Arctic Cat”) to collect on or otherwise enforce the Court’s Amended Cost Judgment pending resolution of BRP’s appeal to the Federal Circuit. (Mot. to Stay Taxation of Costs, Oct. 2, 2018, Docket No. 1162.) Upon stipulation by the parties, the Court issued an Amended Cost Judgment in favor of Arctic Cat in the amount of \$153,000. (Am. Cost J., Sept. 18, 2018, Docket No. 1156.) Along with its Motion, BRP has tendered a supersedeas bond in the amount of \$168,300, which is 110% of the Amended Cost Judgment. (Pl.’s Mem. Supp. at 2, Ex. A, Oct. 2, 2018, Docket No. 1165.)

Pursuant to Federal Rule of Civil Procedure 62(d), when an appeal is taken, an appellant may obtain a stay of taxation of costs by supersedeas bond. Fed. R. Civ. P. 62(d). Arctic Cat agrees that the bond amount is adequate and that the bond attached to BRP’s

memorandum “appears to be genuine.” (Def.’s Opp. Mem. at 1, Oct. 9, 2018, Docket No. 1167.)

The Court finds that BRP’s bond is adequate to protect Arctic Cat’s interest in securing ultimate payment, if warranted, of the Amended Cost Judgment following BRP’s appeal. Arctic Cat has not objected to the amount or form of the bond. As such, the form and amount of BRP’s bond are approved, and Arctic Cat will be enjoined from executing on or initiating or continuing any acts, efforts or proceedings to enforce the Amended Cost Judgment until final disposition of BRP’s pending appeal.

ORDER

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that Plaintiffs’ Motion to Stay Taxation of Costs [Docket No. 1162] is **GRANTED**. Defendants are enjoined from executing on or initiating or continuing any other acts, efforts, or proceedings to enforce the Court’s Amended Cost Judgment pending final disposition of BRP’s pending appeal.

DATED: October 16, 2018
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court